

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

RYAN E. CUNNINGHAM,

PLAINTIFF,

v.

CIVIL ACTION No. 2:11-cv-0142

**RONALD F. LEGRAND AND
LEGACY DEVELOPMENT SC
GROUP, LLC,**

DEFENDANTS.

JUDGMENT ORDER

Upon a jury trial conducted on August 28, 29, and 30, 2012 and the unanimous verdict of the jury, the Court hereby enters judgment on all claims raised in this matter as follows:

1. Each of the Plaintiff's claims for declaratory judgment is DENIED.
2. Counterclaimant Legacy Development SC Group, LLC, is entitled to the following declarations, and the Court so DECLARES that:
 - a. The Secured Note dated March 26, 2007 executed by the Plaintiff in evidence of a \$1,025,000 loan was not induced by fraud and is not voidable;
 - b. The transfer of that same Secured Note and its associated Security Agreement from Mountain Country Partners, LLC, to Legacy Development SC Group, LLC, was valid, effective, legitimate, and legally binding;
 - c. Legacy Development SC Group, LLC, is a holder in due course of that same Secured Note and Security Agreement; and
 - d. Plaintiff Cunningham, as of March 19, 2011, defaulted on the Secured Note.

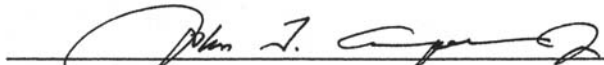
3. Judgment is hereby entered in favor Counterclaimant Legacy Development SC Group, LLC, and against Plaintiff Ryan Cunningham on Legacy Development SC Group, LLC's, breach of contract counterclaim in the following amount:

Principal	\$ 1,025,000.00
5% annual interest on principal from 3/26/07 to 3/19/11 (\$140.41 per day)	\$ <u>204,157.53</u>
18 % annual interest on principal from 3/19/11 to date of entry of judgment (\$505.48 per day)	\$ <u>411,460.28</u>
Total Breach of Contract	\$ <u>1,640,617.81</u>

As to this amount, post judgment interest shall accrue at the rate set by 28 U.S.C. § 1961 from the date of entry of this Judgment Order until the judgment is satisfied.

4. The Clerk is directed to tax the costs of this action against Plaintiff Cunningham.

It is SO ORDERED this 10th day of June, 2013.



John T. Copenhaver, Jr.
United States District Judge